

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

SEPTEMBER 11, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, September 11, 2007 at 3:30 p.m., in Committee Room #2.** The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable Joyce Sheperd
The Honorable Carla Smith
The Honorable Anne Fauver**

The following members were absent:

**The Honorable C. T. Martin, Vice-Chair
The Honorable H. Lamar Willis**

Others present at the meeting were: Councilmember Kwanza Hall; Jerry DeLoach, Amber Robinson and Dianne Mitchell, Law Department; Deputy Chiefs George Turner and Carlos Banda, Police Department; Deputy Chief Meadows, Fire & Rescue; Raines Carter, Solicitor; Vanessa Hickey-Gales, Public Defender; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:30 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA – ADOPTED AS AMENDED TO ADD ONE RESOLUTION**
- B. APPROVAL OF MINUTES – APPROVED**
- C. RESOLUTIONS**

Claims with favorable recommendations:

07-R-1822 (1) Claim of **Cynjoe Properties, LLC c/o Cynthia Good Reiman**, for damages alleged to have been sustained from several sanitary sewer backups from August 28, 2006 through December 27, 2006 at 790 Marietta Street, NW.
\$19,045.11

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-1823 (2) Claim of **Veronica Holmes**, for property damages alleged to have been sustained from a water main break on November 7, 2006 at 120 Laurel Drive, NE. **\$33,117.52**
- 07-R-1824 (3) Claim of **Christina Shannon**, for damages alleged to have been sustained as a result of a vehicular accident on June 14, 2007 at Lee Street at Oak Street. **\$550.00**
- 07-R-1825 (4) Claim of **Jonny Fowler, through his attorney, Michael Cherof**, for damages alleged to have been sustained as a result of walking into an uncovered water meter on October 7, 2006 at 321 Ponce de Leon Avenue. **\$4,500.00**
- 07-R-1826 (5) Claim of **Cherise Shumaker**, for damages alleged to have been sustained as a result of a driving over a construction cut on February 13, 2007 at 1058 Constitution Drive. **\$703.49**
- 07-R-1827 (6) Claim of **James Curtis Fagin**, for damages alleged to have been sustained as a result of driving over a construction cut on February 11, 2007 at 1058 Constitution Drive. **\$1,000.00**
- 07-R-1828 (7) Claim of **Gwendolyn L. Slaughter**, for damages alleged to have been sustained as a result of driving over a construction cut on February 10, 2007 at 1058 Constitution Road. **\$526.82**
- 07-R-1829 (8) Claim of **Myrtle Webb, through her attorney, Orlando A. Marra**, for damages alleged to have been sustained as a result of an automobile accident on August 14, 2006 on Sidney Marcus Boulevard. **\$6,500.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-1830 (9) Claim of **Rachels Walk Apartments c/o Frances Blankenship**, for property damages alleged to have been sustained when a City vehicle struck a fence on July 19, 2007 at James Jackson Parkway, NW and Hightower Place, NW. **\$1,400.00**
- 07-R-1831 (10) Claim of **Constance A. Brownlow**, for damages alleged to have been sustained as a result of driving over a construction cut on February 3, 2007 at 2471 Abner Place, NW. **\$2,018.90**
- 07-R-1832 (11) Claim of **Michael S. Pilgrim**, for damages alleged to have been sustained as a result of a trip and fall due to a defective sidewalk on April 10, 2007 at Spring Street and North Avenue. **\$732.00**
- 07-R-1833 (12) Claim of **Mark Johnson**, for damages alleged to have been sustained as a result of an automobile accident on July 27, 2007 at Plainville Court, SW and Plainville Circle, SW. **\$2,304.08**
- 07-R-1834 (13) Claim of **Kim P. Maxwell and Janice H. Malone**, for damages alleged to have been sustained as a result of an automobile accident on June 14, 2007 at Monroe Drive and Park Drive. **\$1,837.86**
- 07-R-1835 (14) Claim of **MARTA**, for damages alleged to have been sustained as a result of an automobile accident on March 5, 2007 at Broad Street and Martin Luther King, Jr. Drive. **\$1,521.30**
- 07-R-1836 (15) Claim of **Lesley and David M. Zebrowitz**, for damages alleged to have been sustained as a result of striking a raised manhole on October 19, 2006 at Spring and Simpson Streets, NW. **\$833.94**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-1837 (16) Claim of **Catherine Napier**, for damages alleged to have been sustained during the repair of a water main break on November 21, 2006 at 3428 Rilman Road, NW. **\$650.00**

Claims with unfavorable recommendations:

- 07-R-1838 (17) Claim of **S. Carol Baird**, for damages alleged to have been sustained due to continuous storm water overflow from a creek at 2752 Ridgemore Road.
- 07-R-1839 (18) Claim of **Erica Hinton**, for damages alleged to have been sustained as a result of striking metal plates on November 27, 2006 at 1437 Lucile Avenue.
- 07-R-1840 (19) Claim of **Salanda Usher**, for vehicular damages alleged to have been sustained from an automobile accident on August 1, 2007 at Hill Street and Woodward Street.
- 07-R-1841 (20) Claim of **BrightHouse, LLC, Pink Magazine, LLC, through their attorney, Michael Alan Dailey, Anderson Dailey, LLP**, for property damages alleged to have been sustained from structural damage of an office building due to the construction of an electrical substation from September 2006 through March 2007 and for a series of sewer backups from August 28, 2006 through December 27, 2006 at 790 Marietta Street, NW.
- 07-R-1842 (21) Claim of **Daphne Reid**, for damages alleged to have been sustained due to storm water overflow on August 13, 2005 at 1206 Veltre Circle, SW.
- 07-R-1843 (22) Claim of **CMS Ivy Chase Associates, LLP, through its attorney, T. Bart Gary, Esq., Freeman Mathis & Gary**, for property damages alleged to have been sustained from a sewer backup on September 21, 2006 at 3717 Roswell Road, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1844 (23) Claim of **Donna Holt**, for property damages alleged to have been sustained from a sewer backup on January 1, 2007 at 3318 Hazelwood Drive, SW.
- 07-R-1845 (24) Claim of **Joe Franklin**, for damages alleged to have been sustained as a result of driving over a construction cut on October 17, 2006 at the intersection of Daniel Street and Decatur Street.
- 07-R-1846 (25) Claim of **Atlanta Gas Light Company, through its attorney, John C. Williams, Esq.**, for property damages alleged to have been sustained when a gas line was severed during a sanitary sewer excavation project on April 29, 2006 at 1759 Buckeye Street, SW.
- 07-R-1847 (26) Claim of **Sarah Hansford**, for damages alleged to have been sustained as a result of a slip and fall incident on May 29, 2007 at 55 Trinity Avenue, SW.
- 07-R-1848 (27) Claim of **Richard Klinger**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 16, 2007 at Johnson Road near Noble Drive.
- 07-R-1849 (28) Claim of **Gregory Starks**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 3, 2007 at Johnson Road near Noble Drive.
- 07-R-1850 (29) Claim of **Pei Wang**, for damages alleged to have been sustained as a result of a tree falling on a vehicle on June 30, 2007 at 1063 Westshire Place, NW.
- 07-R-1851 (30) Claim of **Nyleah Johnson, a minor, through her attorney, Spencer Wertheimer**, for damages alleged to have been sustained as a result of personal injuries on June 25, 2007 at the Hartsfield-Jackson Atlanta International Airport.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1852 (31) Claim of **Ridgewood Heights Neighborhood Association c/o Robert Warlick**, for damages alleged to have been sustained due to continuous storm water overflow from a creek due to the City's approval of subdivision application SD-06-19 at 2752 Ridgemore Road.
- 07-R-1853 (32) Claim of **Makeba M. Ramsey**, for bodily injuries alleged to have been sustained from tripping on an uneven section of sidewalk on April 3, 2006 at 100 10th Street, NW.
- 07-R-1854 (33) Claim of **Elizabeth Johnson**, for vehicular damages alleged to have been sustained due to a road re-paving project on May 6, 2007 at Boulevard, NE and North Avenue, NE.
- 07-R-1855 (34) Claim of **John F. Woodham**, for damages alleged to have been sustained when constitutional rights are violated on June 20, 2007 at 68 Mitchell Street, SW.
- 07-R-1856 (35) Claim of **Vernon Welch**, for vehicular damages alleged to have been sustained due to a road re-paving project on February 27, 2007 at Tenth Street, NW and Fowler Street, NW.
- 07-R-1857 (36) Claim of **Bernetta Travis**, for damages alleged to have been sustained from a sewer backup on June 20, 2007 at 316 Argus Circle, NW.
- 07-R-1858 (37) Claim of **Tracie W. Reese**, for vehicular damages alleged to have been sustained due to a road re-paving project on March 12, 2007 at Tenth Street, NW and Holly Street, NW.
- 07-R-1859 (38) Claim of **Adam M. Naide**, for vehicular damages alleged to have been sustained due to a road re-paving project on March 13, 2007 at Tenth Street, NW and Techwood Drive, NW.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1860 (39) Claim of **Diane M. Rose**, for vehicular damages alleged to have been sustained due to a road re-paving project on March 16, 2007 at 251 Tenth Street, NW.
- 07-R-1861 (40) Claim of **Lynette M. White**, for damages alleged to have been sustained from driving over a pothole in the road on June 29, 2007 at 4055 and 4153 Roswell Road, NE.
- 07-R-1862 (41) Claim of **David Reichman, through his attorney, Bradley Schnur**, for damages alleged to have been sustained as a result of personal injuries on July 14, 2007 at the Hartsfield-Jackson Atlanta International Airport.
- 07-R-1863 (42) Claim of **GEICO Direct, as subrogee of Darrell Hodge**, for damages alleged to have been sustained as a result of an automobile accident on March 2, 2007 at Moreland Avenue near the Interstate 20 West exit.
- 07-R-1864 (43) Claim of **Floyd Jean Jackson**, for damages alleged to have been sustained as a result of driving over a pothole on June 28, 2006 at Joseph E. Lowery near Martin Luther King, Jr. Drive.
- 07-R-1865 (44) Claim of **Jeffrey Webber**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on December 31, 2006 at Johnson Road near Noble Drive.
- 07-R-1866 (45) Claim of **State Farm Insurance Company, as subrogee of Matthew Dentler**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 10, 2007 at Johnson Road near Noble Drive.
- 07-R-1867 (46) Claim of **Martha Cornish**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 16, 2007 at Johnson Road near Noble Drive.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1868 (47) Claim of **Matthew Dentler**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 10, 2007 at Johnson Road near Noble Drive.
- 07-R-1869 (48) Claim of **Erin Richmond**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 18, 2007 at Johnson Road near Noble Drive.
- 07-R-1870 (49) Claim of **Diane Cassels**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 3, 2007 at Johnson Road near Noble Drive.
- 07-R-1871 (50) Claim of **Harvey Siskin**, for damages alleged to have been sustained during a water installation on July 18, 2007 at 98 Howell Street, NE.
- 07-R-1872 (51) Claim of **George S. Birnkammer**, for damages alleged to have been sustained as a result of a rock striking a vehicle on August 23, 2006 at 2440 Bolton Road.
- 07-R-1873 (52) Claim of **Comcast, through its representative, Phoenix Loss Control**, for damages alleged to have been sustained as a result of a cable being cut on March 28, 2007 at 4466 Estate Street, Fairburn Georgia.
- 07-R-1874 (53) Claim of **Comcast, through its representative, Phoenix Loss Control**, for damages alleged to have been sustained as a result of a cable being cut on March 28, 2007 at 4458 Estate Street, Fairburn Georgia.
- 07-R-1875 (54) Claim of **Herbert D. Bynoe, through his insurance carrier, State Farm Insurance Companies**, for damages alleged to have been sustained as a result of a vehicle accident on October 30, 2006 at the intersection of James P. Brawley and Mitchell Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1878 (55) Claim of **Larry Miggins**, for damages alleged to have been sustained as a result of his vehicle being towed on July 27, 2006 at 258 Burbank Drive.
(Councilmember Smith made a motion to approve Items C1-C55)

FAVORABLE

D. ORDINANCE FOR FIRST READING

- 07-O-1879 (1) An Ordinance by Public Safety and Legal Administration Committee to revise the City of Atlanta Code of Ordinances pertaining to secondary metal recyclers by amending the following Sections of Chapter 122, Article V, Divisions I and II; Section 122-151 (Definitions); Section 122-152 (Records Required); and Section 122-157 (Unlawful Acts); Section 122-171 (Required Application); to add the following new Sections to Chapter 122, Article V, Divisions I and II of the City of Atlanta Code of Ordinances: Section 122-158 (Daily Written Report to Police); Section 122-159 (Offenses; Defenses, Penalty); Section 122-160 (Possessor of Secondary Metals); Section 122-161 (License to Possess Secondary Metals); Section 122-162 (Revocation of License to Possess Secondary Metals); and Section 122-170 (Processing Application; Issuance of License, Possessor of Secondary Metals); to waive conflicting ordinances; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

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REGULAR

E. ORDINANCES FOR SECOND READING

- 07-O-1685 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$176,477.06 for \$88,238.53 from grant funds from the United States Department of Justice Bulletproof Vest Partnership and matching funds in the amount of \$88,238.53 from the General Fund Budget; and for other purposes.

(Councilmember Fauver made a motion to approve)

FAVORABLE

- 07-O-1686 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$39,579.20 for a grant award from Georgia State University Department of Criminal Justice, to improve the Crime Data System; and for other purposes.

(Councilmember Smith made a motion to approve)

FAVORABLE

- 07-O-1897 (3) An Ordinance by Councilmember Clair Muller to amend Chapter 10, Alcoholic Beverages, Section 10-1 by adding the words "Or Importer" to the definition of a Wine Specialty Shop; and for other purposes.

(Councilmember Winslow made a motion to hold at the request of the Law Department)

HELD

- 07-O-1900 (4) An Ordinance by Councilmember Kwanza Hall to amend Section 10-129 of the Code of Ordinances of the City of Atlanta so as to provide new requirements for Wine Tasting Events at Wine Specialty Shops; and for other purposes.

(Councilmember Winslow made a motion to hold at the request of the Law Department)

HELD

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ORDINANCES FOR SECOND READING (CONT'D)

- 07-O-1905 (5) An Ordinance by Councilmember Mary Norwood to amend Article XXIV vending on Private Property; and for other purposes.
(Councilmember Winslow made a motion to hold at the request of the Law Department)

HELD

F. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06)**
(Held 2/28/06 for further investigation at the request of Councilmember Muller)

HELD

- 06-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**

HELD

- 06-O-1142 (3) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1601 (4) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. **(Held 8/15/06 for further review)**

HELD

- 06-R-1719 (5) Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. **(Councilmember Fauver made a motion to adverse)**

FAVORABLE ON THE ADVERSE RECOMMENDATION BY THE LAW DEPARTMENT

- 06-O-1908 (6) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes. **(Held 9/12/06 for a work session)**

HELD

- 07-O-0078 (7) An Ordinance by Councilmember Cleta Winslow **as amended by Full Council** to amend Chapter 30, Article II, Section 30-26 (b), of the City of Atlanta Code of Ordinances, so that meetings of the License Review Board are not held during the month of December; and for other purposes. **(Amended by Full Council and referred back by Council 1/16/07) (Held 1/30/07 so that a copy of the ordinance can be forwarded to the NPU's for review and comment)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0249 (8) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for on-premise consumption of alcohol and the sale of wine by the package on the 300 block of Walker Street. **(Held 2/13/07 for further review.)**

HELD

- 07-R-0545 (9) Claim of **Nancy Montgomery**, for damages alleged to have been sustained as a result of a water main break during the installation of a sidewalk on June 6, 2006 at 2340 Hurst Drive, NE. **(Referred back from Council 4/16/07) (Held 5/1/07 at the request of Councilmember Shook.)**

HELD

- 07-O-1522 (10) An Ordinance by Councilmembers Anne Fauver and Natalyn Archibong to amend Chapter 18, Article I, of the Code of Ordinances of the City of Atlanta, so as to prohibit the practice of inhumanely chaining or tethering dogs; and for other purposes. **(Held 7/31/07 at the request of the author for further review.)**

HELD

- 07-O-1525 (11) An Ordinance by Councilmember Joyce Sheperd to amend Section 122-172 under Chapter 122, Article V, Division 2, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Secondary Metal Recycler is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1526 (12) An Ordinance by Councilmember Joyce Sheperd to amend Section 30-1503(a) under Chapter 30, Article XXV, of the Code of Ordinances, so as to provide for a review by the affected Neighborhood Planning Unit(s) whenever an application for a license to operate a Self-Service Car Wash is submitted; and for other purposes. **(Held 7/31/07 at the request of the author for further review.)**

HELD

- 07-O-1795 (13) An Ordinance by Councilmember H. Lamar Willis to establish Chapter 21 of the Code of Ordinances of the City of Atlanta entitled "Transportation of Hazardous Materials"; to create a new Article I to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007," to create a new Division 1 to be entitled "Terrorism Prevention in Hazardous Materials Transportation Act of 2007"; so as to prohibit large shipments of certain extremely hazardous materials near the City of Atlanta in an effort to reduce the risk of attacks by terrorists; to allow for the issuance of permits authorizing such shipments in special cases; to require the Mayor to issue regulations to implement the provisions of this act; and for other purposes. **(Held 8/28/07 for further review.)**

HELD

- 07-O-1800 (14) An Ordinance by Councilmembers C. T. Martin, Ceasar C. Mitchell, H. Lamar Willis, Ivory L. Young, Jr. and Joyce Sheperd **as substituted by Public Safety and Legal Administration Committee** to create Section 106-13 of the Code of Ordinances of the City of Atlanta, Georgia to be entitled "Wearing of Pants Below the Waist in Public, Unlawful"; to waive conflicting ordinances; and for other purposes.. **(Held 8/28/07 at the request of the author for a work session and a public hearing.) (Substituted and held 9/11/07)**

SUBSTITUTED AND HELD

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G. ITEM NOT ON AGENDA

RESOLUTION

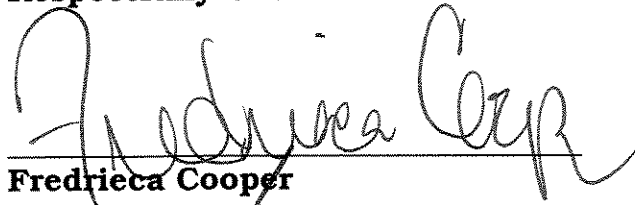
07-R-1930 (1) A Resolution by Public Safety and Legal Administration Committee to create a Task Force to serve as a clearing-house for dialog and discussion of ideas in the exploration of the phenomenon of persons exposing their undergarments in a public setting; to seek feedback from the public regarding this issue; to make recommendations to the City Council regarding possible resolutions to this dilemma; and for other purposes.

(Councilmember Sheperd made a motion to approve)

FAVORABLE

There being no further business to come before the Committee, the meeting was adjourned at 4:29 p.m.

Respectfully Submitted:



**Fredriecca Cooper
Legislative Assistant**



**Bernard Thomas
Research and Policy Analyst**



**The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee**